

## EXECUTIVE BOARD of the CLERKS' COUNCIL

### MEMORANDUM

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**TO:** Clerks' Council

**FROM:** James W. McCormack, Chair

**SUBJECT:** Role of FCCA Executive Board and Clerks' Council

**DATE:** September 22, 1998

The primary objective of the Clerks' Council is to consider problems of the federal judiciary with which clerks of court are officially concerned and to propose economical and efficient solutions designated to improve the administration of justice. In light of recent changes in the Advisory Group structure, the decrease in representation of district court clerks at the Administrative Office and due to the growing number of significant issues which impact the administration of the courts, we believe it may be time for the Executive Board and the Clerks' Council to refocus on our primary objectives and formulate an action plan to share our concerns and comments with the Judicial Conference, Administrative Office, as well as with the District Clerks/Executives Advisory Group.

The new advisory structure at the Administrative Office consists of four types of groups: 3 Court Advisory Councils and a Joint Advisory Council; 15 Peer Advisory Groups; 23 Ad Hoc Working Groups; and Expert or User Panels will be formed as needed. The advisory structure is intended to play a critical role in providing user and customer input to the A.O. that is essential to the development of policy recommendations and the deployment of useful programs, systems and services; however, officers of associated professional organizations such as the FCCA may only be invited to attend meetings of Peer Advisory Groups on a case-by-case basis. FCCA President, Marty Oogjen, has contacted Bob Lowney, Deputy for Court Administration, Office of Court Programs, who assured him that the FCCA would have a permanent ex officio seat on the District Clerks Advisory Group. This membership is essential if the Executive Board of the FCCA is to change its role and become actively involved with current issues at the A.O. and share information with the various committees of the Judicial Conference as well as the A.O. on matters concerning the district court clerks.

A pro-active Federal Court Clerks Association (FCCA) Executive Board could bolster the influence of the District Court Advisory Group and assist the Judicial Conference and Administrative Office by helping them make more informed decisions. The FCCA was formed in 1922 in Washington, D.C., by a group of 15 federal court clerks who believed they could voice their views more effectively if they joined together in a formal organization. Today there are over 55 clerks of court who belong

to the FCCA, as well as 1,700 deputy clerks, which makes this the largest organization for federal court employees. This may be the ideal time to refocus and tap our vast reserve of experience and talent.

We have an opportunity to improve the existing system and do it in an effective and cost efficient manner by getting clerks, who are not interested in becoming members of an Advisory Group, to participate and comment on issues through cc:mail. If the Executive Board can get cutting edge information by means of cc:mail to the Clerks' Council, interest, participation, and satisfaction with the FCCA may subsequently increase. The Executive Board is interested in formalizing a process which would reestablish the Clerks' Council as a voice for federal employees in the judiciary and eventually evolve into an established group recognized as a source for information concerning court administration. The process will work within the existing advisory structure and take advantage of the only group formally open to us: the District Court Advisory Group. Our intent should not be to recommend a course of action or set policy, but instead to provide useful information to the Advisory Group, Judicial Conference, and Administrative Office.

Additionally, the Executive Board will be able to fill a void in the Advisory Group structure. Currently, Advisory Groups are restricted to the agenda prepared by the Administrative Office. As such, we are often unaware of what information or recommendations are presented to the Judicial Conference for consideration. The Executive Board proposes to submit important concerns, issues, and positions directly to the appropriate committee of the Judicial Conference or division of the Administrative Office for consideration.

The following process will be initially implemented to help the Executive Board and the Clerks Council fulfill its mission:

- Establish a permanent seat on the Advisory Group for the FCCA.
- Circulate an advanced copy of any agenda for the District Court Advisory Group for comment by the individual members of the Clerks' Council. (Agenda will be sent via cc:mail)
- Comments from Clerks' Council should be sent electronically to the Executive Board for collection, review, and analysis.
- A position paper summarizing feedback about the agenda will be drafted, reviewed and approved by the FCCA President and the Executive Board. Summary position papers will be shared with all members of the District Court Advisory Group, FCCA Board of Directors, and the Clerks' Council.
- Independent position papers on any significant issue by a member of the Clerks' Council will be circulated. The Executive Board will also prepare position papers on significant concerns or issues with distribution to the FCCA President, FCCA Board of Directors, the Clerks' Council, the Chair

of the Advisory Group, and all individual members of the Advisory Group. A copy will be sent to the Chair of the Subcommittee of the Judicial Conference, if appropriate, and a courtesy copy to the Chief of the District Court Administration Division.

- Position papers may be published quarterly in the FCCA Journal.

The Executive Board hopes that this approach will provide the following additional benefits to our members:

- Establish an independent mechanism for identifying and sharing important information concerning court administration.
- Create a formal organization which may supplement information being provided to the Judicial Conference and Administrative Office.
- Expand the role of the Executive Board by submitting important concerns, issues, and positions directly to the appropriate committee of the Judicial Conference and/or division of the Administrative Office for consideration.
- Develop independent position papers on significant issues that will be prepared and circulated in a timely manner to members of the Clerks' Council and District Court Advisory Group.

The Executive Board would like to emphasize that this approach is intended to enhance the representation of court clerks in a way that can only be performed by an independent organization. We are looking forward to a successful partnership that will serve to benefit the entire judiciary.

JWMc:dmh